

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 394
95TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industry, March 11, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1809S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 338.260, RSMo, and to enact in lieu thereof one new section relating to certain business names.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 338.260, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 338.260, to read as follows:

338.260. 1. No person shall carry on, conduct or transact a business
2 under a name which contains as part of the name the words "pharmacist",
3 "pharmacy", "apothecary", "apothecary shop", "chemist shop", "drug store",
4 "druggist", "drugs", "consultant pharmacist", or any word of similar or like import,
5 unless the place of business is supervised by a licensed pharmacist.

6 **2. Nothing in this chapter shall be construed to prevent any**
7 **person from using a historical name in reference to any building,**
8 **structure, or business so long as the person is not engaged in the**
9 **practice of pharmacy as defined in section 338.010.**

10 **3. Notwithstanding the provisions of subsection 2 of this section,**
11 **the board of pharmacy shall retain authority to enforce the provisions**
12 **of subsection 1 of this section against any person offering for sale any**
13 **naturopathic or homeopathic service or any herbal, nutritional,**
14 **vitamin, dietary, mineral, or other supplement intended for human**
15 **application, absorption, or consumption.**

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